

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Luc Van Brabant

Technology Center: 2100

Serial No.: 10/748,008                      Confirm 6494

Group Art Unit: 2439

Filed: 12/30/2003

Examiner: Wang, Harris C.

For:    ON-ACCESS AND ON-DEMAND  
         DISTRIBUTED VIRUS SCANNING

Atty. Dkt. No.: 10830.0103.NP

**REPLY BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer dated March 18, 2010, and is intended to address only new points of argument raised in the Examiner's Answer.

Appellant's Claims 6

Neither the grounds for rejection nor the response to argument in the Examiner's Answer show where Smithson teaches placing chunks of plural scan requests rather than individual scan requests onto a virus scan request queue. Figure 3 of Smithson clearly shows that the two pending scans by the "User" given the same priority were placed individually onto the virus scan request queue at different times; a first request by "User" was placed at 13:02:47 and a second request by "User" was placed at 13:02:54. The appellant's claim 6 recites "placing the chunks

onto the virus scan request queue” (emphasis added) and not placing requests ahead of other requests, or placing requests to the end of the queue, or placing requests at the front of the queue. The fact that higher priority items end up at the front of the queue and lower priority items end up at the end of the queue does not require that multiple scan requests with higher priority are first grouped by priority and then placed onto the queue.

#### Appellant’s Claim 22

Neither the grounds for rejection nor the response to argument in the Examiner’s Answer show where McAfee teaches placing chunks of plural scan requests rather than individual scan requests onto a virus scan request queue. Appellant’s claim 22 recites “placing the chunks onto the virus scan request queue” (emphasis added) and not placing requests ahead of other requests, or placing requests to the end of the queue, or placing requests at the front of the queue. The fact that higher priority items end up at the front of the queue and lower priority items end up at the end of the queue does not require that multiple scan requests with higher priority are first grouped by priority and then placed onto the queue.

#### Appellant’s Claim 24

Neither the grounds for rejection nor the response to argument in the Examiner’s Answer show where Smithson or McAfee teaches “grouping the on-demand anti-virus scan requests into chunks, each of the chunks including multiple ones of the on-demand anti-virus scan requests, and for consecutively placing the chunks onto the virus scan request queue.” (Emphasis added.)

Consecutively placing the chunks onto the virus scan request queue is different from placing individual requests of multiple priorities onto the virus scan request queue. The fact that higher priority items end up at the front of the queue and lower priority items end up at the end of the queue does not require that multiple scan requests are first grouped into chunks and then the chunks are consecutively placed onto the queue.

In view of the above, the rejection of claims 6 and 22-26 should be reversed.

Respectfully submitted,

/ *Richard C. Auchterlonie* /

Richard C. Auchterlonie  
Reg. No. 30,607  
NOVAK DRUCE & QUIGG, LLP  
1000 Louisiana, 53<sup>rd</sup> Floor  
Houston, TX 77002  
713-571-3400 (telephone)  
713-456-2836 (telefax)  
Richard.Auchterlonie@novakdruce.com